REMARKS

Applicant acknowledges the Office Action of 23 FEB. 2006 and requests reconsideration of the claims, as amended.

CLAIM OBJECTIONS

Responsive to paragraph 1 of the Office Action, claim 12 has been made dependent upon claim 10, as suggested.

Responsive to paragraph 2 of the Office Action, claim 27 has been amended to provide proper antecedent basis.

As described on pages 5 and 7 of the present specification, bearings 52, 60 are separated by a spacer 58, and all 3 are axially displaceable with respect to shaft 28. This permits some "play" in the system, but the influence of spring 48 suppresses any excessive vibrations or resonances by clamping the bearings and spacer together. The Office's interpretation of the references "glosses over" this feature.

CLAIM REJECTION--SECTION 102

HSIEH (USP 5,562,347) discloses a motor structure with a generally cylindrical bearing tube pedestal 20 formed with 3 radially inwardly protruding bosses or "tongues" 36, best seen in FIG. 1, lower left corner. Contrary to the Office's suggestion that tongues 36 represent a "spacer *displaceably arranged* in the bearing tube" the HSIEH specification makes clear (col. 3, lines 14-16 and col. 4, lines 31-32) that "sleeve 60 can be tightly received within the pedestal 20 by having the tongues 36 enter respective slots 62" and "sleeve 60 is slightly expanded so that it is tightly engaged with the bearing pedestal 20." Since tongues 36 are integrally formed (see FIG. 1 cross-sectional hatching) with pedestal 20,

PAGE 9/13 * RCVD AT 6/23/2006 3:42:51 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/21 * DNIS:2738300 * CSID:2032615676 * DURATION (mm-ss):02-54

once assembly of pedestal 20 into sleeve 60 is complete, what the Office has characterized as a "spacer" is no longer displaceable. The HSIEH structure neither anticipates nor makes obvious the structure recited in claims 9-10, 13-14 and 17. The section 102 rejection should therefore be withdrawn.

CLAIM REJECTIONS--SECTION 103

Claims 11-12, 15-16 & 27-28 were rejected, based upon a proposed combination of features of HSIEH and STONE.

STONE (USP 3,728,563) discloses a somewhat antiquated (circa-1971) motor structure with two self-adjusting bearings 62, 64 (col. 3, line 50 & col. 4, line 6) These bearings 62, 64 have a semi-spherical outer surface; see col. 4, lines 13-14.

In order for bearings 62, 64 to adjust themselves, they are placed inside a tube 66 which is subjected to a magnetic-pulse-deformation treatment to create a semi-spherical seat 65 for bearing 62 and a semi-spherical seat 67 for bearing 64. These seats hold bearings 62, 64 at a desired distance from each other; see col. 3, lines 25-32 and 51-57, and col. 4, lines 12-14. Between bearings 62, 64, there is provided a felt body 86, impregnated with oil, which provides lubrication to bearings 62, 64. Thus was the way lubrication was provided in that era, as described at col. 3, line 65, through col. 4, line 1. Felt body 86 has no mechanical or load-bearing function and thus fails to define any "predetermined distance between the proximal bearing and the distal bearing" as recited in main claim 9. In STONE, tube 66 alone defines the distance between bearings 62 and 64. Neither STONE nor HSIEH, nor any combination thereof, would suggest the structure recited in

claims 11-12, 15-16 or 27-28. Furthermore, there is nothing in the circa-1971 STONE disclosure or in the circa-1995 HSIEH disclosure to motivate an attempt to combine those structures. Both the STONE and HSIEH structures are complicated and require considerable time (i.e. labor cost) to assemble, while by contrast the presently claimed structure is comparatively simple, and quick to assemble, and readily lends itself to automated assembly techniques, as stated at specification page 2, lines 6-7. Reconsideration and withdrawal of the section 103 rejection is solicited.

Although, as correctly noted by the Examiner, the references show **individual bits and pieces** of the structure recited in the present claims, none of the references provide any motivation to combine the pieces in the manner suggested by the Office, nor would such a combination result in the structure recited in the claims, as amended.

"The mere fact that the prior art could be so modified would not have made the modification obvious, unless the prior art suggested the desirability of the modification."

In re Gordon, 733 F.2d 900, 902; 221 USPQ 1125, 1127 (Fed. Cir. 1984). A "rote invocation" of the high level of skill in the art does not provide the necessary motivation to combine the teachings of the prior art to render a claimed invention obvious. In re Rouffet, 47 USPQ2d 1453 (Fed. Cir. 1998).

In re McLaughlin, 170 USPQ 209 (CCPA 1971).

In re Wright, 193 USPQ 332 (CCPA 1977)

In re Geiger, 2 USPQ 2d 1276 (Fed. Cir. 1987).

In re Stencel, 4 USPQ 2d 1071 (Fed. Cir. 1987)

In re Fine, 5 USPQ 2d 1596 (Fed. Cir. 1988).

In re Jones, 21 USPQ 2d 1941 (Fed. Cir. 1992).

In re Van Geuns, 26 USPQ 2d 1057 (Fed. Cir. 1993).

"To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that, which only the inventor taught, is used against its teacher." W.L. Gore, 721 F.2d at 1593, 220 USPQ at 312-313.

The Federal Circuit noted in Ruiz v. A.B. Chance Co., 234 F.3rd 654, 57 USPQ 2d 1161 (2000) that "In order to prevent a hindsight-based obviousness analysis, we have clearly established that the relevant inquiry for determining the scope and content of the prior art is whether there is a reason, suggestion or motivation in the prior art or elsewhere that would have led one of ordinary skill in the art to combine the references." See also In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) and In re Paulsen, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994).

CONCLUSION

Applicant respectfully submits that the claims as amended are now clear, and patentably distinguish over HSIEH, STONE, WROBEL, and the other art of record, taken singly or in combination. If the Examiner detects any other informalities or wishes to make any suggestions to place the application in condition for allowance, a telephone call to the undersigned is requested, for prompt resolution thereof.

PAGE 12/13 * RCVD AT 6/23/2006 3:42:51 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/21 * DNIS:2738300 * CSID:2032615676 * DURATION (mm-ss):02-54

No extension fee is believed necessary; if any is required, it may be charged to Deposit Account No. 23-0442.

Respectfully submitted,

Milton Oliver

Milton Oliver, Reg. # 28,333
Attorney for Applicant
WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON, LLP
755 Main Street
P.O. BOX 224
MONROE, CT 06468-0224
TEL: 203-261-1234
FAX: 203-261-5676

F:\WP51\MMO\AMEND\8703-177.AM2

PAGE 13/13 * RCVD AT 6/23/2006 3:42:51 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/21 * DNIS:2738300 * CSID:2032615676 * DURATION (mm-ss):02-54 P.13